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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,760	12/21/2000	Alireza Raissinia	CISCP667	4516

26541 7590 01/18/2005

RITTER, LANG & KAPLAN  
12930 SARATOGA AE. SUITE D1  
SARATOGA, CA 95070

EXAMINER
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LEE, JOHN J

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,760

Applicant(s)

RAISSINIA ET AL.

Examiner

JOHN J LEE

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12,21-24,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-12,21-24,27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's arguments with respect to claims 9 – 12, 21 – 24, 27, and 28 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 9-12, 21-24, 27, and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (US Patent number 5,371,734) in view of Gutman et al. (US Patent number 5,691,729).

Regarding **claims 9, 21, and 27**, Fischer discloses that in a TDMA system (Fig. 5 and abstract), a method for calibrating a gain of receiver (column 15, lines 4 – 64 and Fig. 4). Fischer teaches that a calibration control unit (microprocessor (90) in Fig. 4) that monitors at the MAC layer control operation to determine an anticipated upstream quiet (idle) period (column 34, lines 25 – 68, Fig. 11, 12, and column 39, lines 58 – column 40, lines 10, where teaches the processor of communicator monitors at MAC layer control processing for determining idle state for period of time (the period of unsuccessfully receive or delay the first information frame)). Fischer teaches that during said quiet period (column 39, lines 58 – column 40, lines 10, where teaches no transmissions are received for a predetermined period time and determines RF state relative communication power), measuring signal strength at a measurement point within said receiver (column

19, lines 20 – 37, Fig. 15, 18, column 5, lines 34 – column 6, lines 62, and column 25, lines 6 – column 26, lines 25, where teaches to receive the RF signals during each communication cycle based on the strength of received signal. More specifically, the receiver has been monitored and measured the signal strength continuously even during the quiet period). Fischer also teaches that determining receiver gain based on said measured signal strength (column 16, lines 20 – column 17, lines 2 and Fig. 5, where teaches receiver determines/adjusting the receiver gain after measured the signal strength).

Fischer does not specifically disclose the limitation “determining receiver gain based on the measured signal strength and a known noise level”. However, Gutman discloses the limitation “determining receiver gain based on the measured signal strength and a known noise level” (column 5, lines 19 – column 6, lines 67 and Fig. 1, 2, where teaches determining receiver gain based on monitoring signal levels (strength) and the constructive use of noise signals (front end noise (known) during the quiet period). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Fischer system as taught by Gutman. Doing so would enhance the signal adaptability and reliability by an efficient measurement from reception signal in communication network.

Regarding **claims 10, 12, 22, and 24**, Fischer discloses that adjusting receiver gain to a desired level (column 35, lines 53 – column 36, lines 28 and Fig. 15, 16).

Regarding **claims 11, 23, and 28**, Fischer and Gutman disclose all the limitation, as discussed in claim 9. Furthermore, Fischer further discloses that upon an indication of

Art Unit: 2684

excellent reception quality, disconnecting a selected one of at least two antennas (column 15, lines 4 – 64 and Fig. 3, 4, where teaches the antennas are oriented in different configuration, to allow selection of the one which provides the best reception). Fischer also teaches that while said selected one antenna is disconnected, measuring signal strength at a monitoring point in receive chain coupled to said selected one antenna (column 15, lines 4 – 64 and Fig. 3, 4, where teaches the time required to determine that the signal reception from one antenna is inadequate, and then to synchronize to the signal being received by the other antenna, is time during which transmissions cannot be successfully received by a communicator).

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson (US Patent number 4,031,469) discloses Receiver Gain Calibration.

Bednekoff et al. (US Patent number 6,603,810) discloses Combined System for Calibrating Receiver Gain and Measuring Antenna Impedance Match and Method of Operation.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

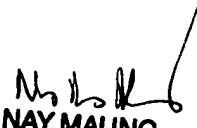
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**.

Art Unit: 2684

He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on (703) 308-7745. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L  
January 5, 2005

John J Lee

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**